Using the school building on Sunday does not violate the constitution. *Nichols* v. *School Directors,* 93 Ill. 61. Nor requiring students to attend chapel exercises. *North* v. *Trustees of University of Ill.,* 137 Ill. 296. The Bible is not a sectarian book and may be used if read without comment. *Hackett* v. *Brooksville,* 120 Ky. 608. Repeating the Lord's Prayer and Twenty-third Psalm is not religious worship, nor is it teaching sectarian or religious doctrine. *Billard* v. *Board of Education,* 69 Kan. 53. Opposed to *O'Connor* v. *Hendrick,* supra, on practically the same point, *Hysong* v. *School District,* 164 Pa. 629, allows persons to wear a certain garb of a religious order when teaching. Reading the Bible is allowed positively in Maine. *Donahue* v. *Richards,* 38 Me. 379. And is allowed positively in Massachusetts and Iowa unless the parents object. *Spiller* v. *Woburn,* 94 Mass. 127; *Moore* v. *Monroe,* 64 Iowa 367. And reading certain portions without comment, when children who object are not *required* to join in the exercise, is allowed in Texas and Michigan. *Church* v. *Bullock,* (Tex.) 109 S. W. 115; *Pfeiffer* v. *Board of Education of Detroit,* 118 Mich. 560. The central question is, Is the Bible a sectarian book? These cases show conflict of opinion with Maine, Massachusetts, Michigan, Iowa, Kansas, Kentucky, and Texas holding it non-sectarian, nevertheless weakening their stand by such provisos as, "without comment" and "unless parents object"; while on the other side are Nebraska and Wisconsin, weakening their stand by declaring only portions of the Bible sectarian. Illinois has taken an unconditional position.

CONTRACTS—IN RESTRAINT OF TRADE—WHEN VALID.—Plaintiff, a lumber company, had entered into a contract with defendant's assignor, which was operating a private railroad, whereby the latter agreed to transport freight for plaintiff at a certain rate and also agreed to charge a higher rate for all freight carried by it for plaintiff's competitors. When sued for breach of this contract defendant set up that the contract was illegal as in restraint of trade. *Held,* that since defendant was a private carrier it might discriminate in rates, and that since the contract was founded upon a valuable consideration, and was reasonable and not injurious to the public, it was valid. *Edgar Lumber Company* v. *Corine Stave Co.* (1910), — Ark. —, 130 S. W. 452.

It was the rule of the ancient common law that all contracts in restraint of trade were void. This rule has been gradually modified and qualified until at present, contracts in restraint of trade are valid where the restrictions as to the time and place are reasonable. *Harrison* v. *Glucose Sugar Refining Co.* (C. C. A.) 116 Fed. 304; *Diamond Match Co.* v. *Roeber,* 106 N. Y. 473; *Hodge* v. *Sloan,* 107 N. Y. 244; *Leslie* v. *Lorillard,* 110 N. Y. 519. A contract not to carry on a publishing business within the state of Michigan was upheld as not being an unlawful restraint of trade. *Beal* v. *Chase,* 31 Mich. 490. But while the law to a certain extent tolerates contracts in restraint of trade or business when made between vendor and purchaser, and will uphold them, they are not treated with special indulgence. They are upheld only for the purpose of securing to the purchaser of the good will of a

trade or business a guaranty against the competition of the former proprietor, and when this end has been attained it will not be presumed that more was intended. *Greenfield* v. *Gilman,* 140 N. Y. 168, 173. If the business be of such a character that it cannot be restrained to any extent without prejudice to the public interest, courts decline to enforce or sustain contracts imposing such restraint, however partial, because it is against public policy. *West Virginia Transp. Co.* v. *Ohio R. P. L. Co.,* 22 W. Va. 600; *Chicago Gas etc. Co.* v. *People's Gas Co.,* 121 Ill. 530; *Western U. T. Co.* v. *American U. T. Co.,* 65 Ga. 160; *Gibbs* v. *Consolidated Gas Co.,* 130 U. S. 396, 408, 409.

COURTS—DOCTRINE OF STARE DECISIS.—A Circuit Court of Appeals certified to the Supreme Court a question of taxation on which it had already passed in two previous cases, one of which had been affirmed by the Supreme Court without opinion, by an evenly divided court. *Held,* the affirmance necessitated by the even division of opinion in the Supreme Court was not such an authoritative determination of the question as to be conclusively binding on inferior Federal Courts. *Hertz* v. *Woodman et al.* (1910), 218 U. S. 205.

The holding in the principal case seems to be justified by reason as well as by authority. *Westhus* v. *Union Trust Co.,* 94 C. C. A. 95, 168 Fed. 617. *Durant* v. *Essex Co.,* 7 Wall 107, 19 L. Ed. 154. The circuit court is not inflexibly bound in all cases by its own prior decisions, *Leavitt* v. *Blatchford,* 17 N. Y. 521; *Butler* v. *Van Wyck,* 1 Hill 438, 462; and it is difficult to understand how an affirmance of its decision by an evenly divided court establishes a stronger precedent, *Hanifen* v. *Armitage* (C. C.), 117 Fed. 845. But the rule would seem to be otherwise in England. *Beamish* v. *Beamish,* 9 H. L. Cas. 274.

EVIDENCE—ADMISSIBILITY OF CONFESSIONS.—In a trial for murder committed while robbing the deceased, confessions made by the defendant to various parties and at various times were admitted in evidence against him, even though one of these confessions was made to an officer ten days before defendant's arrest and upon the advice of the officer, that it would be better for him, the defendant, to tell the truth. *Held,* that under the circumstances the statement made by the officer could not be regarded as such a threat by a person in authority as would deprive the confession of its voluntary character and render it inadmissible. *State* v. *Jacques* (1910), — R. I .—, 76 Atl. 652.

Where several confessions are made upon different occasions, each may be proved in evidence. *Lowe* v. *State,* 125 Ga. 55, 53 S. E. 1038. In order, however, for any confession to be admissible in evidence it must appear that it was made voluntarily. (*State* v. *Edwards,* 106 La. 674; *Burlingim* v. *State,* 61 Neb. 276, 85 N. W. 76; *State* v. *Mclain,* 137 Mo. 307, 38 S. W. 906); not prompted by the flattery of hope or by reason of fear (*State* v. *Hunter,* 181 Mo. 316; *State* v. *Grover,* 96 Me. 363); nor induced by threat or promise by a person in authority. *Brum* v. *U. S.,* 168 U. S. 532; *U. S.* v. *Nott,* 1 McLean 499; *People* v. *Stewart,* 75 Mich. 21; *People* v. *McCullough,* 81 Mich.